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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,630	06/27/2003	Per Martinsson	930010-2206	8456
20/999 7590 01/04/2008 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
EXAMINER				
PIZZALI, ANDREW T				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
01/04/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/608,630

Applicant(s)

MARTINSSON ET AL.

Examiner

Andrew T. Piziali

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5, 7-12, 14, 15, 17, 19, 21-26 and 28-48 is/are pending in the application.
- 4a) Of the above claim(s) 5, 7-12, 19, 21-26 and 29-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 14, 15, 17, 28 and 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 14, 15, 17, 28 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,093,512 to Fleischer in view of any one of USPN 3,800,019 to Parsey or USPN 6,653,943 to Lamb.

Fleischer discloses a papermaking fabric multilayer load bearing coated yarn, without a filament wrapping or cover material, comprising a multilayer resin sheath (see entire document including column 4, lines 22-50). Fleischer discloses that the load bearing yarn (core) structure may be a monofilament (column 3, lines 40-46).

Fleischer does not appear to specifically disclose that the layers of the resin sheath are visibly distinguishable from one another and the core by contrasting color or reflectivity, but Fleischer does disclose that yarns are subject to abrasion and wear (column 1, line 41 through

column 2, line 50). Parsey and Lamb each disclose that it is known in the wear detecting yarn art that a core may be surrounded by a plurality of outer layers of different colors to indicate the degree of wear (see entire documents including column 2, lines 8-29 of Parsey and column 4, lines 20-35 of Lamb). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the multilayer resin sheath of the monofilament of Fleischer with a plurality of outer resin layers of different colors from one another and the core, motivated by a desire to allow for the indication of the degree of wear.

If a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill. One must ask whether the improvement is more than the predictable use of prior art elements according to their established functions. **KSR v. Teleflex**

Regarding claims 3 and 17, considering that the core and sheath layers are different colors, the indicated level of fabric wear is associated with a wear level through the respective layers.

Regarding claims 14 and 28, Fleischer discloses that a filament wrapping or cover material may be applied to the load bearing coated yarn (column 4, lines 22-36). Therefore, the filament may comprise some or all of a multifilament yarn (Figures 3, 5, 7 and 9).

Regarding claim 15, Fleischer discloses that the load bearing coated yarn may be used to construct an endless industrial fabric (column 3, lines 31-37).

4. Claims 1, 3, 14, 15, 17, 28 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,093,512 to Fleischer in view of Applicant's Disclosure in view of any one of USPN 3,800,019 to Parsey or USPN 6,653,943 to Lamb.

Fleischer discloses a papermaking fabric load bearing coated yarn, without a filament wrapping or cover material, comprising a multilayer resin sheath (see entire document including column 4, lines 22-50). Fleischer discloses that the load bearing yarn (core) structure may be a monofilament (column 3, lines 40-46).

Fleischer does not appear to specifically disclose that the layers of the resin sheath are visibly distinguishable from one another and the core by contrasting color or reflectivity, but Fleischer does disclose that yarns are subject to abrasion and wear (column 1, line 41 through column 2, line 50). In addition, the current Applicant discloses that a means for monitoring wear on a papermaker's fabric, and particularly at any point on its inner and outer surfaces, even when the paper machine is operating, would be very helpful to those in the papermaking industry (page 3, lines 7-12).

Parsey and Lamb each disclose that it is known in the wear detecting yarn art that a core may be surrounded by a plurality of outer layers of different colors to indicate the degree of wear (see entire documents including column 2, lines 8-29 of Parsey and column 4, lines 20-35 of Lamb). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the multilayer resin sheath of the monofilament of Fleischer with a plurality of outer resin layers of different colors from one another and the core, motivated by a desire to allow for the indication of the degree of wear.

If a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill. One must ask whether the improvement is more than the predictable use of prior art elements according to their established functions. **KSR v. Teleflex**

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Regarding claim 15, Fleischer discloses that the load bearing coated yarn may be used to construct an endless industrial fabric (column 3, lines 31-37).

Response to Arguments

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T. Piziali whose telephone number is (571) 272-1541. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew T Piziali/
Primary Examiner, Art Unit 1794